CLA Memorandum

TO: Honorable Members
Public Safety Committee

April 12, 2005

FROM: Gerry F. Miller
Chief Legislative Analyst

C.F.: 05-0002-S51
Assignment No.: 05-03-0430

SUBJECT: Driver's License Bill

CLA RECOMMENDATION:

Adopt Resolution (Garcetti -Perry-Ludlow) to include in the City's 2005-2006 State Legislative Program, SUPPORT of SB 60 (Cedillo) which would allow persons without legal presence in the United States to be eligible to apply for a driver's license under certain conditions.

SUMMARY

In 2003, SB 60 (Cedillo) was enacted. This legislation gave an estimated 2 million undocumented immigrants the opportunity to apply for a driver's license or an identification card. SB 60 was scheduled to become effective on January 1, 2004. However, in November 2003, the Legislature approved SB 1X (Oller), which repealed SB 60. Since then, efforts have failed to reinstate the right to obtain driver's licenses for undocumented immigrants.

On January 13, 2005, Senator Gil Cedillo introduced the Immigrant Responsibility and Security Act of 2006 (SB 60) which would: 1) allow persons without legal presence in the United States to be eligible to apply for a driver's license; 2) permit such applicants to submit a specified affidavit as a substitute for a social security number where required by the Department of Motor Vehicles (DMV) for identification purposes; 3) impose specified identification and security-related requirements on applicants that do not have legal presence in the United States; and 4) require such applicants to pay specified additional fees.

Current California law requires the DMV to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law. Existing law also requires that every form prescribed by the DMV to issue or renew a driver's license or identification contain a section for the applicant's Social Security number.

SB 60 would repeal the requirement that an applicant for a driver's license submit proof of legal presence in the United States. In lieu of the Social Security number, the applicant would be required to submit an affidavit signed under penalty of perjury by the applicant, attesting that he or she is presently not eligible for a Social Security number. This document would also attest that the applicant would not have the right to vote, own a firearm, or work in California.

In addition to the affidavit, the applicant would also have to submit a birth certificate issued by the government of the applicant's country as well as one of the following documents: a passport, an identification issued by the consulate of the applicant's country, or any other documents that the DMV deems acceptable. Also, applicants without Social Security numbers would be subject

to a fee not exceeding $60. Applicants with Social Security numbers will continue to pay a $25 application fee.

The bill provides that the Social Security number or the fact that an affidavit was submitted by an applicant is not a matter of public record and may not be disclosed by the DMV. It further provides that a peace officer may not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the person is under the age of 16.

Applicants who do not possess proof of legal presence would have to submit a full set of fingerprints to the State and the Federal Department of Justice for analysis. If any convictions of a public offense are found in the applicant's record, the applicant's request for a driver's license would be denied.

The Los Angeles Police Department (LAPD) supports SB 60 and has supported similar efforts in the past. Opponents of the idea of allowing undocumented immigrants to obtain a California driver's license contend that as a result of such laxity in licensing, the 9/11 hijackers had driver's licenses or state identification cards, which they were able to use when renting housing, opening bank accounts, and boarding planes. The LAPD has expressed that obtaining the fingerprints and photographs of California license applicants would help law enforcement efforts. Officials from the LAPD reported that there is no significant concern about the issue of terrorism as it relates to the issue of the driver's license. The LAPD has previously expressed that most of the major terrorists in California had not been "illegal aliens."

The City has previously supported efforts pertaining to the issuance of California driver's licenses to undocumented immigrants. SB 60 would promote highway safety by allowing all California residents to train and test for a valid California driver's license. It would also allow such residents to obtain proof of financial responsibility which would further protect the interests of all Californians. It is therefore recommended that the City Council SUPPORT SB 60, as recommended by Resolution (Garcetti -Perry-Ludlow).

Status of Legislation

Introduced January 13, 2005

Felipe Valladolid Chavez
Legislative Analyst

Attachments: 1) Resolution 2) SB 60

RULES & ELECTIONS

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, everyday 24 million drivers are placed in jeopardy because of unlicensed, untested, and uninsured drivers; and

WHEREAS, hard-working, taxpaying California residents need automobile transportation to work and care for their families and are often therefore forced to drive without proper training, insurance, or driver's licenses, thereby compromising highway safety; and

WHEREAS, since Californians may not purchase auto insurance without a license, the current exclusionary policy contributes to the current climate in which approximately 5.3 million out of 24 million drivers are not insured.

WHEREAS, the Immigrant Responsibility and Security Act, introduced by Senator Gil Cedillo and otherwise known as SB 60, is a common sense approach that strengthens homeland security, public safety, and immigrant responsibility, civic participation and citizenship at no additional cost to the state; and,

WHEREAS, the interest of law enforcement is served by all drivers having proper driver's licenses, which SB 60 would make possible, especially among the immigrant population of our state; and

WHEREAS, SB 60 strengthens civic participation and citizenship with a requirement of a citizen sponsor and a signed affidavit saying the applicant will pursue citizenship, and the measure pays for itself by charging applicants a higher processing fee, earmarked towards funding citizenship classes and background checks;

NOW, THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2005-2006 State Legislative Program SUPPORT of SB 60(Cedillo) which would repeal current law requiring applicants for a California Driver's license to show proof of authorized presence in the United States under federal law, and which would make applicants who cannot show authorized presence eligible for a license only after a full set of fingerprints have been submitted and a background check is conducted to ensure that applicant does not have a criminal history or is a suspected terrorist.

Eric Garcetti
Councilmember, 13th District
Co-Sponsor

Jan Perry
Councilmember, 9th District
Co-Sponsor

Martin Ludlow
Councilmember, 10th District
Co-Sponsor

MAR 1 8 2005

SENATE BILL No. 60

Introduced by Senator Cedillo

January 13, 2005

An act to amend Section 197 of the Code of Civil Procedure, and to amend Sections 1653.5, 12800, and 12801.5 of, to add Sections 1672.6, 1808.10, 12801.2, 12801.9, and 12801.10 to, to repeal Section 14610.7 of, and to repeal and add Section 12801 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 60, as introduced, Cedillo. Vehicles: driver's license.

(1) Existing law requires the Department of Motor Vehicles (hereafter the department) to furnish the jury commissioner of each county with the current list of the names, addresses, and other identifying information of persons residing in the county who are 18 years of age or older and who are holders of a current driver's license or identification card issued by the department, as specified.

This bill would require the department to exclude from those lists any person who obtained his or her current driver's license by presenting the affidavit described in (4).

(2) Existing law requires the department, upon proper application, to issue a class C or M driver's license.

This bill would require an applicant for an original driver's license to sign a statement developed by the department, informing the applicant of the limitations and entitlements associated with the issuance of the driver's license.

(3) Existing law provides that specified records of the department, with certain exceptions, are open to public inspection. Existing law requires that the Attorney General, district attorneys, law enforcement agencies, public defenders, and public defender investigators, have

access to records of the department that are open to the public on an equal basis. Existing law requires applications for driver's licenses and identification cards to contain specified information.

This bill would authorize the department, if a person submits the affidavit described in (4) in support of a driver's license application, to disclose that fact to the Department of Justice solely for the purpose of enabling the Department of Justice to determine whether the person may lawfully own, purchase, receive, possess, or have custody or control of a firearm, dangerous weapon, or explosive. The bill would provide that this information is confidential and would prohibit the Department of Justice from providing that information to the federal government or to any other law enforcement agency, except for the purpose of prosecuting the person for a crime relating to the purchase, receipt, possession, or custody or control of a firearm, dangerous weapon, or explosive.

(4) Under existing law, every form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card is required to contain a section for the applicant's social security account number. Existing law requires an applicant who submits one of those forms to the department to furnish the appropriate account number in the space provided. Existing law prohibits the department from completing an application that does not include the applicant's social security account number. Existing law prohibits the department from including an applicant's social security account number on a driver's license, identification card, registration, certificate of title, or any other document issued by the department. Existing law declares that information obtained by the department regarding an applicant's social security account number is not a public record and prohibits the department from disclosing that information except in specified circumstances.

This bill would require those driver's license forms to contain a section for either the applicant's social security account number or the affidavit described below (hereafter the affidavit).

The bill would allow an applicant for a driver's license who is presently not eligible for a social security account number, but who submits an affidavit signed under penalty of perjury, attesting that he or she is not currently eligible for a social security account number, to submit the affidavit to the department in lieu of a social security account number, and the affidavit would be acceptable until the

applicant obtains a social security account number. The bill would require that applicant upon obtaining a social security account number to provide that social security account number to the department. The bill would continue to require an application for a commercial driver's license to include the applicant's social security account number. Because the bill thereby would expand the scope of the crime of perjury, the bill would impose a state-mandated local program.

The bill would declare that information obtained by the department regarding an applicant's lack of social security account number or other information collected by the department pursuant to these provisions is not a public record, and would prohibit the department from disclosing that information, except in specified circumstances.

(5) Existing law requires the department to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law and prohibits the department from issuing a license or card to a person who does not do so. Existing law requires the department to adopt regulations, including procedures for verifying citizenship or legal residency of applicants for driver's licenses and identification cards.

This bill would repeal those requirements.

The bill would, however, require the department to require an applicant for an original driver's license to present an identification document acceptable to the department, for the purpose of establishing identity prior to completing that application. The bill would require an applicant who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law, as determined by the department, and who furnishes the department with the affidavit to also present to the department a birth certificate or other record of birth, determined acceptable by the department, issued by a foreign jurisdiction and other specified documents.

The bill would also require an applicant for an original driver's license as described above to submit to the department, for transmittal to the Department of Justice, a full set of fingerprints and related information, as specified, for the purpose of state and federal criminal background checks. The bill would require the Department of Justice to assess a fee upon the applicant that is sufficient to cover that department's costs in implementing these provisions.

The bill would prohibit the department from issuing a driver's license to a person on whom it receives a report from the Department of Justice indicating that the applicant has been convicted of a public offense, other than specified Vehicle Code offenses. The bill would require the department to provide a person who has been denied a driver's license under this provision with a notice describing the specific reason for the denial and an opportunity to appeal that decision.

The bill would require the department to charge a person who is unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law and who submits an affidavit in support of an application for a driver's license, a fee sufficient to cover the costs incurred by the department under these provisions, but not more than $60, in lieu of the regular application fee for a class C or M driver's license.

The bill would require an applicant for an original or renewal driver's license to certify, under penalty of perjury, as to the truthfulness of the stated residence address contained in the application. Because this would further expand the scope of the crime of perjury, this bill would impose a state-mandated local program.

(6) Existing law makes it a misdemeanor for any person to knowingly assist in obtaining a driver's license or identification card for any person whose presence in the United States is not authorized under federal law.

This bill would delete that provision.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(8) The bill would provide that its provisions are severable.

(9) The bill would declare that it takes effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Immigrant Responsibility and Security Act of 2006.

SEC. 2. Section 197 of the Code of Civil Procedure is amended to read:

197. (a) All persons selected for jury service shall be selected at random, from a source or sources inclusive of a representative cross section of the population of the area served by the court. Sources may include, in addition to other lists, customer mailing lists, telephone directories, or utility company lists.

(b) The list of registered voters and the Department of Motor Vehicles' list of licensed drivers and identification cardholders resident within the area served by the court, are appropriate source lists for selection of jurors. These two source lists, when substantially purged of duplicate names, shall be considered inclusive of a representative cross section of the population, within the meaning of subdivision (a).

(c) The Department of Motor Vehicles shall furnish the jury commissioner of each county with the current list of the names, addresses, and other identifying information of persons residing in the county who are age 18 years or older and who are holders of a current driver's license or identification card issued pursuant to Article 3 (commencing with Section 12800) of, or Article 5 (commencing with Section 13000) of, Chapter 1 of Division 6 of the Vehicle Code*, but excluding a person who obtained his or her current driver's license by providing the department with the affidavit described in paragraph (2) of subdivision (a) of Section 12801 of the Vehicle Code*. The conditions under which these lists shall be compiled semiannually shall be determined by the director, consistent with any rules which may be adopted by the Judicial Council. This service shall be provided by the Department of Motor Vehicles pursuant to Section 1812 of the Vehicle Code. The jury commissioner shall not disclose the information furnished by the Department of Motor Vehicles pursuant to this section to any person, organization, or agency.

SEC. 3. Section 1653.5 of the Vehicle Code is amended to read:

1653.5. (a) Every form prescribed by the department for use by an applicant for the issuance or renewal by the department of

a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for the applicant's social security account number.

(b) Every form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration or certificate of title to a vehicle shall contain a section for the applicant's driver's license or identification card number.

(c) A person who submits to the department a form that, pursuant to subdivision (a), contains a section for the applicant's social security account number, or pursuant to subdivision (b), the applicant's driver's license or identification card number, if any, shall furnish the appropriate number in the space provided.

(d) *(1)* The department shall not complete an application *for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500)* that does not include *one of the following:*

(A) The ~~the~~ applicant's social security account number ~~or driver's license~~.

(B) The affidavit described in paragraph (2) of subdivision (a) of Section 12801 ~~or identification card number as required under subdivision (c).~~

(2) The department shall not complete an application for the issuance or transfer of the registration or certificate of title to a vehicle that does not include one of the following:

(A) The applicant's driver's license number.

(B) The applicant's identification card number.

(e) An applicant's social security account number *or the fact that an affidavit described in paragraph (2) of subdivision (a) of Section 12801 was submitted by the applicant* shall not be included *or disclosed* by the department on a driver's license, identification card, registration, certificate of title, or any other document issued by the department.

(f) Notwithstanding any other provision of law, information regarding an applicant's social security account number, *lack of a social security account number, or any other information collected under Section 12801 or 12801.2,* obtained by the department pursuant to this section, is not a public record and may not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration.

(4) Responding to information requests from the Department of Justice that are submitted for the sole purpose of determining an individual's eligibility to lawfully own, purchase, receive, possess, or have custody or control of a firearm, dangerous weapon, or explosive.

SEC. 4. Section 1672.6 is added to the Vehicle Code, to read:

1672.6. (a) Before being issued an original class C or M driver's license under Article 3 (commencing with Section 12800) of Chapter 1 of Division 6, each applicant for that driver's license shall sign a statement, that shall be developed by the department.

(b) (1) The statement described in subdivision (a) shall consist of a disclosure informing the applicant of the following:

(A) It is unlawful to register to vote if you are not a citizen of the United States. The issuance of a driver's license or identification card does not establish that right.

(B) It may be unlawful to possess or to attempt to purchase a firearm if you are not a citizen of the United States. The issuance of a driver's license or identification card does not establish that right.

(C) It is unlawful to serve on a jury unless you are a citizen of the United States. The issuance of a driver's license or identification card does not establish that right.

(D) The issuance of a driver's license is a license to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits.

(2) Following each disclosure described in paragraph (1), there shall be a space for the applicant's initials to acknowledge that the applicant understands the limitations and entitlements associated with issuance of a driver's license.

SEC. 5. Section 1808.10 is added to the Vehicle Code, to read:

1808.10. (a) If a person submits the affidavit described in paragraph (2) of subdivision (a) of Section 12801 to the department, the department may disclose that fact to the Department of Justice solely for the purpose of enabling the Department of Justice to determine whether the person may lawfully own, purchase, receive, possess, or have custody or control of a firearm, dangerous weapon, or explosive.

(b) The information provided to the Department of Justice under subdivision (a) is confidential. The Department of Justice shall not provide that information to the federal government or to any other law enforcement agency, except for the purpose of prosecuting the person for a crime relating to the purchase, receipt, possession, or custody or control of a firearm, dangerous weapon, or explosive.

SEC. 6. Section 12800 of the Vehicle Code is amended to read:

12800. Every application for an original or a renewal of a driver's license shall contain all of the following information:

(a) *(1)* The applicant's true full name, age, sex, mailing address, residence address, and *either the applicant's* social security account number *or the affidavit described in paragraph (2) of subdivision (a) of Section 12801.*

(2) The applicant shall certify, under penalty of perjury, as to the truthfulness of the stated residence address provided under paragraph (1).

(b) A brief description of the applicant for the purpose of identification.

(c) A legible print of the thumb or finger of the applicant.

(d) The type of motor vehicle or combination of vehicles the applicant desires to operate.

(e) Whether the applicant has ever previously been licensed as a driver and, if so, when and in what state or country and whether or not the license has been suspended or revoked and, if so, the date of and reason for the suspension or revocation.

(f) Whether the applicant has ever previously been refused a driver's license in this state and, if so, the date of and the reason for the refusal.

(g) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by a condition that may bring about recurrent lapses, or whether the applicant has a disease, disorder, or disability that affects his or her ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(h) Whether the applicant understands traffic signs and signals.

(i) Whether the applicant has ever previously been issued an identification card by the department.

(j) Any other information that is necessary to enable the department to determine whether the applicant is entitled to a license under this code.

SEC. 7. Section 12801 of the Vehicle Code is repealed.

~~12801. (a) The department shall require an application for the issuance or renewal of a driver's license to contain one of the following:~~

~~(1) The applicant's social security account number and any other number or identifier determined to be appropriate by the department.~~

~~(2) An affidavit signed under penalty of perjury by the applicant, attesting that he or she is presently not eligible for a social security account number.~~

~~(b) (1) The affidavit described in paragraph (2) of subdivision (a) shall be acceptable to the department in lieu of a social security account number until the applicant obtains that number.~~

~~(2) An applicant who submits the affidavit described in paragraph (2) of subdivision (a) to the department and subsequently obtains a social security account number shall provide that number to the department upon obtaining it.~~

~~(c) The social security account number collected on a driver's license application or the fact that an affidavit described in paragraph (2) of subdivision (a) was submitted shall not be displayed on the driver's license, including, but not limited to, inclusion on a magnetic tape or stripe used to store data on the license.~~

SEC. 8. Section 12801 is added to the Vehicle Code, to read:

12801. (a) The department shall require an application for the issuance or renewal of a driver's license to contain one of the following:

(1) The applicant's social security account number and any other number or identifier determined to be appropriate by the department.

(2) An affidavit signed under penalty of perjury by the applicant, attesting that he or she is presently not eligible for a social security account number.

(b) (1) The affidavit described in paragraph (2) of subdivision (a) shall be acceptable to the department in lieu of a social security account number until the applicant obtains that number.

(2) An applicant who submits the affidavit described in paragraph (2) of subdivision (a) to the department and subsequently obtains a social security account number shall provide that number to the department upon obtaining it.

(c) The social security account number collected on a driver's license application or the fact that an affidavit described in paragraph (2) of subdivision (a) was submitted shall not be displayed on the driver's license, including, but not limited to, inclusion on a magnetic tape or stripe used to store data on the license.

SEC. 9. Section 12801.2 is added to the Vehicle Code, to read:

12801.2. (a) The department shall require an applicant for an original driver's license to present an identification document acceptable to the department, for the purpose of establishing identity prior to completing an application.

(b) An applicant for an original driver's license who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law, as determined by the department, and who presents to the department the affidavit described in paragraph (2) of subdivision (a) of Section 12801 shall also present to the department a birth certificate or record of birth, determined to be acceptable by the department, issued by a foreign jurisdiction, and in addition, one of the following combination of documents, determined to be acceptable by the department:

(1) A passport issued by a foreign jurisdiction and an identification card bearing the applicant's photograph, deemed appropriate by the department, from the country of origin.

(2) An identification card issued to nationals residing in this state by the consulate of the applicant's country of origin and an identification card bearing the applicant's photograph, deemed appropriate by the department, from the country of origin.

(c) The department may, through regulations, accept documents in addition to those specified in subdivision (b), provided that those additional documents accurately confirm the identity of the applicant.

(d) (1) For the purpose of establishing an applicant's identity, the department shall not accept identity documents issued by a country that has been designated by the United States Secretary of State as a state sponsor of terrorism.

(2) At the direction of the Governor's Advisor on Homeland Security, the department may make exceptions to the prohibition under paragraph (1).

SEC. 10. Section 12801.5 of the Vehicle Code is amended to read:

12801.5. (a) Notwithstanding *Section 40300 or* any other provision of law, ~~the department shall require an applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.~~

~~(b) The department shall not issue an original driver's license or identification card to a person who does not submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.~~

~~(c) The department shall adopt regulations to carry out the purposes of this section, including procedures for, but not limited to, (1) verifying that the applicant's presence in the United States is authorized under federal law, (2) issuance of a temporary license pending verification of the applicant's status, and (3) appeal hearings from a denial of a license, temporary license, or identification card.~~

~~(d) On January 10 of each year, the department shall submit a supplemental budget report to the Governor and the Legislature detailing the costs of verifying the citizenship or legal residency of applicants for driver's licenses and identification cards, in~~

~~order for the state to request reimbursement from the federal government.~~

~~(c) Notwithstanding Section 40300 or any other provision of law, a peace officer may not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under the age of 16 years.~~

~~(f) The inability to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.~~ *a peace officer may not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under the age of 16 years.*

(b) The inability to obtain a driver's license does not abrogate or diminish in any respect the legal requirement of every driver in the state to obey the motor vehicle laws of this state, including laws with respect to licensing motor vehicle registration, and financial responsibility.

SEC. 11. Section 12801.9 is added to the Vehicle Code, to read:

12801.9. Notwithstanding any other provision of law, a commercial driver's license applicant shall include the applicant's social security account number in the application.

SEC. 12. Section 12801.10 is added to the Vehicle Code, to read:

12801.10. (a) (1) The department shall require an applicant described in subdivision (b) of Section 12801.2 to also submit fingerprint images and related information taken by a person certified under Section 11102.1 of the Penal Code.

(2) (A) The department shall forward the fingerprint images and related information received by it under paragraph (1) to the Department of Justice for the purpose of obtaining information regarding the existence and nature of the person's record of state and federal criminal convictions.

(B) Fingerprint images and related information obtained by the Department of Justice under subparagraph (A) and retained by the Department of Justice are confidential and may be used only to ensure that an individual is issued only one driver's license

and to determine an individual's eligibility to own, purchase, receive, possess, or have custody or control of a firearm, dangerous weapon, or explosive.

(3) The Department of Justice shall forward to the Federal Bureau of Investigation requests received under paragraph (2) for criminal offender record information at the federal level.

(4) Upon obtaining criminal offender record information on an applicant for whom fingerprint images and related information have been received under paragraph (2), or upon receiving confirmation that no record exists, the Department of Justice shall provide the department with a report on the applicant, confirming the nonexistence of a criminal offender record or containing the information described in subdivision (p) of Section 11105 of the Penal Code.

(5) The Department of Justice shall assess the applicant a fee that is sufficient to cover the Department of Justice's costs in implementing this subdivision.

(b) The department shall not issue a driver's license to a person on whom it receives a report under subdivision (a) indicating that the person has a conviction of a public offense other than driving without a driver's license, operating a motor vehicle in violation of Section 4000, or operating a motor vehicle in violation of Section 16020 or 16028.

(c) A person who is denied a driver's license under subdivision (b) shall be provided by the department with a notice describing the specific reason for the denial and an opportunity to appeal that decision. The notice shall include a list of the specific offenses, the name of the court where the conviction was entered, the disposition date of the case, the case number, if known, and instructions of the procedure to appeal that decision, and how an applicant may challenge information in his or her criminal record.

(d) In lieu of the fee imposed under Section 14900, the department shall charge an applicant for an original class C or M driver's license who is described in subdivision (b) of Section 12801.2 a fee sufficient to cover the costs incurred by the department in processing the application, but not more than sixty dollars ($60).

SEC. 13. Section 14610.7 of the Vehicle Code is repealed.

~~14610.7. It is a misdemeanor for any person to knowingly assist in obtaining a driver's license or identification card for any person whose presence in the United States is not authorized under federal law.~~

SEC. 14. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 15. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to reduce the number of unlicensed drivers on our highways, who account for 20 percent of all accidents and, thereby, compromise public safety, it is necessary that this act take effect immediately.

O